



Montoya, Darlene <dmontoya@nmag.gov>

Request

6 messages

Tracy Chavez <sheriffadmin@aznex.net>
To: dmontoya@nmag.gov

Wed, Jan 25, 2017 at 1:59 PM

Darlene-

Attached is the policy you request on Officer Involved Shootings and Other Use of Force Incidents.

If you need anything else please let me know.

Thank you

TRACY L CHAVEZ, EXECUTIVE SECRETARY

HIDALGO COUNTY SHERIFF'S OFFICE

720 EAST 2ND STREET

LORDSBURG, NM 88045

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HIDALGOCOUNTY.ORG



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all files transmitted with it from your system and immediately notify Hidalgo County Sheriff's Office by sending a reply e-mail to the sender of this message. Thank you.

2 attachments



NMPS Letter Request.pdf

283K



HCSO Policy.pdf

4635K

Montoya, Darlene <dmontoya@nmag.gov>
To: sheriffadmin@aznexus.net

Wed, Jan 25, 2017 at 2:14 PM

Your message

To: Montoya, Darlene
Subject: Request
Sent: 1/25/17, 1:59:19 PM MST

was read on 1/25/17, 2:14:30 PM MST

Montoya, Darlene <dmontoya@nmag.gov>
To: Tracy Chavez <sheriffadmin@aznexus.net>

Wed, Jan 25, 2017 at 2:21 PM

Thank you so much Ms. Chavez. Another thing that was requested by the LEAB Subcommittee is information regarding the last time these policies were reviewed and/or revised, and how often your officers receive training on these policies. Please let me know and I will add it to the policy for the Subcommittee.

Thank you.

[Quoted text hidden]

—
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:5054904854)

Tracy Chavez <sheriffadmin@aznexus.net>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Wed, Jan 25, 2017 at 4:27 PM

Darlene-

These policies were revised on 10/01/15. The officers receive training on these policies every other year along with their fire arms training.

Thank you

Tracy

From: Montoya, Darlene [mailto:dmontoya@nmag.gov]
Sent: Wednesday, January 25, 2017 2:22 PM
To: Tracy Chavez <sheriffadmin@aznex.net>
Subject: Re: Request

[Quoted text hidden]

Montoya, Darlene <dmontoya@nmag.gov>
To: Tracy Chavez <sheriffadmin@aznex.net>

Wed, Jan 25, 2017 at 4:51 PM

Thank you so much Tracy.

[Quoted text hidden]

Montoya, Darlene <dmontoya@nmag.gov>
To: sheriffadmin@aznex.net

Wed, Jan 25, 2017 at 4:51 PM

Your message

To: Montoya, Darlene
Subject: RE: Request
Sent: 1/25/17, 4:27:36 PM MST

was read on 1/25/17, 4:51:08 PM MST

HIDALGO COUNTY SHERIFF'S OFFICE		GENERAL ORDERS	
SUBJECT: Use of Force		NUMBER: 2-6	
EFFECTIVE DATE: OCTOBER 1, 2015		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: Sheriff	
CALEA STANDARDS: 1.3, 41.2		NMSA	

INDEX WORDS

Choke holds
Firearms
Qualification
Force
Deadly
Excessive
Non-deadly
Prohibited acts
Reporting use of

Force cont.
Use of (general)
Vehicles (firing at/from)
Oleoresin capicum (OC)
Pepper spray
Shotguns
Tear gas
Weapons
Off-duty
On-duty

I. POLICY

Deputies are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the Deputy perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is justified only when the Deputy reasonably believes that it is necessary

- A. to prevent the escape from custody, make an arrest or an investigative detention of a person the Deputy believes has committed a crime; or
- B. to defend him or herself or another from what the Deputy believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.

Facts or circumstances unknown to the Deputy shall not be considered in later determining whether the force was justified. The department expects Deputies to observe the following two guidelines in all applications of force:

1. Employ the minimum force reasonably necessary to accomplish a legal purpose.

2. Deputies may resort to more serious methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive tactics (e.g., baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately.

When applying deadly force, Deputies' objective shall be to stop or incapacitate the suspect, not to kill, unless no other choice presents itself. The objective of the use of any force is to overcome the suspect's resistance to a Deputy's lawful purpose: Deputies shall avoid unnecessary or excessive applications of force.

Deputies shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

II. PURPOSE

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although the careful use of force is authorized by law, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out his duties.

III. DEFINITIONS

A. Deadly force:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or great bodily harm.
 - a. "Great bodily harm" means bodily injury which creates a substantial risk of death or which likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

B. Non-deadly force:

Force employed which is not likely to or intended to cause death or serious physical injury.

C. Firearms:

Any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable Belief:

When facts or circumstances the Deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

E. Serious physical injury:

A physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

F. Excessive force:

Force is excessive when its application is inappropriate to the circumstances. Excessive force may result in serious physical injury or death to a suspect. In determining whether force has been excessively applied, the primary concern is whether the on-scene Deputy reasonably believes that its application was necessary and appropriate. Based on the reasonableness standard, excessive force may be determined based on:

1. the severity of the crime;
2. the nature and extent of the threat posed by the suspect;
3. the degree to which the suspect resists arrest or detention; and
4. any attempts by the suspect to evade arrest by flight.

In evaluating the reasonable application of force, Deputies must consider their own age, size, strength, and skill level with department weapons, state of health, and the number of Deputies opposing the number of suspects.

G. Reasonable Force:



Use of the reasonable amount of force needed to achieve control over an incident or person.

H. Serious Bodily Injury:

Injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss of impairment of a bodily member or organ.

IV. **PROCEDURES - Non-deadly force**

The Reactive Control Model (RCM) is taught in the New Mexico Law Enforcement Academy and it is expected to be used as a guide by officers of the department in determining the appropriate course of action when interacting with any person(s) in a situation which may require the use of force. (See RCM Continuum).

SUBJECT BEHAVIOR:		COOPERATIVE	NON-COOPERATIVE	UNARMED ASSAILANT	ARMED ASSAILANT
SUBJECT'S "BEHAVIORAL" CUES:		Submits to Directions and Custody	Resists Custody By:	Resists Custody By:	Resists Custody By:
		• COMPLIANT	• Not Responsive to Directions	UNARMED THREATENING	ARMED THREATENING
		• RESPONSIVE	• Evasive to Questions		
		• FOLLOWS DIRECTIONS	• Verbal Resistance or Body Posture	UNARMED ATTACK	ARMED ATTACK (Deadly Assault)
			• Pulling/Moving or Running Away	Closes Distance	Closes Distance
CRIMINAL ACTIVITY CUES:		Unknown Threat		Type of Criminal Activity Investigating	High Risk Activity
OFFICER MENTAL CONDITION:		ALERT	CONTROL	ACTIVE	SURVIVAL
OFFICER'S ACTIONS:		Verbal Directions	Verbal Persuasion	Verbal Commands	Verbal Warnings
		• AUTHORITY	EMPTY HAND TECHNIQUES	SHOW FORCE	USE FORCE
		• ASSESS	ASSESSMENT	(Show Baton or Other Intermediate Weapon)	(Use Baton or Other Intermediate Weapon)
		• CUSTODY DECISION	CONTROL BY	ASSESS	ASSESS
		• FOLLOWING	• Escort Position	• Color	• Color
		• PROCEEDURES	• Distraction Techniques	• Distance	• Distance
			• Compliance Holds	• Assistance	• Assistance
			• Leveraged Take-downs	• Retreat	• Retreat
			• Impact Take-downs		
			• Compliance Holds		
PRESENCE		FORCED CUSTODY & CONTROL PROCEDURES			

A. Verbal control:

Verbal control refers to the manner in which the Deputy speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the Deputy's speech may also contribute to control without having to resort to another method of force. The department urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

B. Compliance techniques:

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, control holds or take-downs with sufficient force to make the lawful arrest without aggravating a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to Deputies, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective,

Deputies may employ hands, fists, feet, knees, and so on in striking an adversary, according to methods sanctioned through training.

C. Electronic Control Device (ECD)

1. The ECD is designed to deliver a high volt, low amp electric current into the human body. Direct contact with voltage may temporarily override the sensory motor nervous system and cause isolated muscle immobilization. ECD injuries can include, but are not limited to abrasions, bruising and skin redness. When an ECD is needed to control offender resistance, officers should do the following when safe and practical.

RESPONSIBILITIES.

1. The Hidalgo County Sheriff is responsible for establishing the requirements contained within this policy.
2. Department Patrol Sergeant and the Jail Administrator is responsible for ensuring that their personnel are properly trained in the use of Taser X26 before allowing them to carry and use it.
3. The Patrol Sergeant and/or Certified Taser X26 Instructor are responsible for providing approved training courses in the use of Taser X26.
4. An employee of the Hidalgo County Sheriff's Office that attends a "Full Certification" training program is required to feel the effects of Neuro-Muscular Incapacitation (NMI) from an Electronic Control Device (ECD) under a controlled environment, after reading and signing a Liability Release Form. Unless, there are pre-existing medical conditions, that particular employee will not go through the NMI.
5. Those officers certified to use the Taser X26 will be responsible for the constant control and safety of any unit assigned to them.
6. All personnel are responsible for complying with the requirements contained within this policy.
7. The Patrol Sergeant is responsible for performing inspections of the Taser X26 each month for effective use. Any batteries older than three years from the manufacture date will be discarded and replaced. If an officer's digital power magazine (DPM) on the Taser X26 reached 20% or lower, it shall be replaced. The Patrol Sergeant will also perform a yearly function test of the Taser X26 and inspection of the cartridges for their 5-year expiration date.

8. The Shift Supervisor will be responsible for reporting of any deployment or discharge of the Taser X26.
9. Any deployment or discharge of the Taser X26 rather intentional or accidental will be reported and verification through the Taser X26 software will be conducted by the Patrol Sergeant and/or Undersheriff.

PROCEDURAL GUIDELINES:

1. There are many models of Tasers. The Hidalgo County Deputies will use the Taser X/26 model T26006-X.
2. Only those who have current certification in the use of the Taser X26 may deploy the weapon.
3. The Patrol Sergeant and/or Undersheriff will assign Taser out to officers certified to use them. The serial number of the Taser will be recorded upon issue.
4. Each person carrying the Taser X26 should have a minimum of 2 cartridges with him/her.
5. The Taser X26 may only be deployed when no flammables are present.
6. The Taser X26 may only be used on persons between the ages of 8-80.
7. The Taser X26 may only be deployed as taught and certified in training.
8. The Taser X26 may be deployed from 3-25 feet, but option range is 7-15 ft.
9. The Taser X26 may be discharged on contact with the subject. The brachial plexus origin area on the neck, the femoral nerve in the groin area and the common peroneal area 6-8 inches above the knee are recommended.
10. Taser X26 deployment may be in any situation where verbal commands are not effective in controlling a subject. To reduce risk to the subject and officers, the Taser X26 will normally be used up to a need for an impact weapon or less lethal force. The Taser X26 may be used in place of pepper gas based on the officer's observations of the situation and what he/she deems to be safest and most effective given the totality of circumstances. Certification of Taser X26 use will address this issue. The Taser X26 may be used to control a non-compliant subject or a dangerous and/or violent subject or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject or when deadly physical force does not appear to be justified and/or necessary. The Taser X26 are not intended to replace firearms or self-defense techniques.

11. Upon encountering a situation, which may require the use of Taser X26, an officer may request the response of a back-up and a supervisor with a Taser X26 unit by notifying Maser Control, and the location of the need for the Taser.
12. Whenever possible and the situation permits, a Taser X26 will not be deployed or discharged without a Supervisor being present (Detention Center).
13. The primary consideration will be shot placement to center mass and to the back when deployed.

MEDICAL CONSIDERATIONS

1. Subjects who have been subjected to the Taser X26 or the probes, shall be treated as follows:
 - a. Once the subject is under control, a certified Taser X26 officer(s) shall advise the medical staff that a person has been subjected to the Taser X26 and the approximate time the action occurred.
 - b. If the probes penetrate the skin, trained officers or medical staff shall remove the probes, and then treated with a disinfectant to sterilize.
 - c. If the probes are embedded in soft tissue areas such as the neck, face and groin, removal shall be by medical staff only. A sample probe will go with the subject to the hospital or emergency room to be shown to the staff treating the subject.
 - d. Always seek medical staff for a medical evaluation of the affected subject after any use of the Taser X26.

Reports of Use to be turned in to the Captain of Operations and Patrol Sergeant regarding use of the Taser X26:

- a. All documentation of the incident from each officer and supervisor involved.
- b. All treatment reports from medical personnel.
- c. A review of policy and debriefing.

USE OF TASER X26 OF VICIOUS ANIMALS:

The full effect of a Taser X26 on animals is not yet proven. However, field deployments have shown positive results and the Taser X26 has been an effective tool against vicious animals. Animals have also shown the ability to quickly recover from the effects of the Taser, due to differences in their nervous system. As soon as the Taser X26 temporarily disables the animal, officers should be prepared to act quickly with control devices or restraints. Using the Taser X26 against vicious animals may reduce the need for greater, more injurious force against such animals. Personnel should deploy a Taser X26 on an animal should be based on the intent to provide a safer, more humane and less traumatic conclusion to the incident.

Officers should be prepared to use other means of justified force if necessary, and should use conventional means of animal control if feasible. *Conventional means of controlling the*

animal (e.g.: control sticks, collars, cages) should be on hand at the scene, if possible, prior to the use of the Taser X26. Personnel should be prepared to apply conventional controls once the Taser X26 subdues the animal. A Taser X26 may be deployed on an animal when:

1. A vicious animal is threatening or is attacking a citizen, an officer, or other animal and the use of other force is not reasonable, or may not be desired given the situation.
2. A vicious animal has threatened or attacked a citizen, an officer, another animal, or has caused a continuing public nuisance and the vicious animal needs to be controlled for reason of public peace or safety, preservation of property, or other legitimate purpose; and the animal poses an active threat to officers in their efforts to perform their duty. The Taser X26 will be used in an effort to safely facilitate the application of more conventional animal control methods in these situations.
3. Other sections of this policy that apply to issuance, training/certification, deployment procedures, precautions and duties also apply to this section; although the other sections apply generally to deployments against persons.
4. Center mass of the animal should be targeted. Care should be taken to ensure the head, and other sensitive areas on the animal are not targeted. It is understood that deployments against vicious animals may be very dynamic in nature and the probes may impact unintentional areas. Procedures for probe removal should take place as outlined in 06. Personnel will take reasonable measures to ensure the animal's welfare is provided for, in the event that probes impact a sensitive area, or it appears the animal's health is in jeopardy. It is generally understood that as long as personnel acted appropriately; the animal's owner will be responsible for any medical attention needed by the animal. Disputes regarding veterinary care should be referred to the County Attorney.

D. Chemical agents:

1. The active ingredient in OC spray is capsaicin, an organic compound found in pepper oils. Direct exposure to the face can produce involuntary watering or closing of the eyes, skin redness, and burning sensations similar to sunburn. Discomfort can last from 1-2 hours. Water and air are the primary post exposure care measures. When OC is needed to control offender resistance, officers should do the following when safe and practical:
 - b. Explain how OC works to offender.
 - c. Prevent offender from rubbing their eyes.
 - d. Request medical personnel remove contact lenses.
 - e. Wash/Flush offender face with water.

2. When OC is needed to control offender resistance, include the following details in the report.

- a. Distance from offender when sprayed.
- b. Primary target or area exposed.
- c. OC manufacturer and type (foam, spray, etc.).
- d. OC canister expiration date and lot number.

E. DEFENSIVE TACTICS:

The department authorizes the carrying and use of the (asp) as the only striking weapon for Deputies: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Deputies who carry the (asp) shall be certified in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or not appropriate and lesser levels are ineffective.

1. The (asp) shall not be used to strike handcuffed individuals or to threaten or intimidate people.
2. The (asp) is mainly useful as an instrument to manage various control holds, not as a club or prod. Deputies shall not raise the (asp) above the head to strike a blow.

V. **DEADLY FORCE**

A. Firearms - general:

1. Firearms may be used:
 - a. In defense of the Deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
 - b. To prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur. No other reasonable means of capture must be available to the Deputy in this case without endangering the Deputy's life or the life of another person.
- (1) In evaluating a "significant threat," the Deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the Deputy or others if apprehension is delayed.

- (2) Where feasible, Deputies shall identify themselves and give a warning before shooting.
- c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
- d. In routine firearm training or practice at an approved range.
2. Before using a firearm, Deputies shall identify themselves and state their intent to shoot, where feasible.

B. Shotgun:

1. Due to its wide shot dispersion, the shotgun shall only be used when a possibility exists that the Deputy will be dealing with an armed suspect, e.g., armed robbery in progress, searching for armed suspects, answering calls when the complainant has indicated that a person is armed.
2. The Sheriff may approve the use of shotguns on raids and stakeouts when he believes that a threat to human life exists.
3. Shotguns shall be encased/mounted and carried in patrol units when not in preparation for use. When the shotgun is not encased/mounted, it shall be carried with the safety on at all times until there is an immediate need to fire the weapon.
4. Shotguns shall be removed from vehicles before leaving them at any garage or service department.
5. Before beginning a tour of duty or immediately thereafter Deputies shall inspect the shotgun assigned to the patrol car.
6. During regular firearms qualification, each Deputy shall be required to demonstrate proficiency with the shotgun.
7. The Range Officer or Armorer shall develop a shotgun maintenance schedule. The Range Officer or Armorer shall clean and inspect shotguns according to schedule.
8. The general rules for the use of firearms above apply to shotguns.

C. Rifles (Semi-Automatic and Bolt):

1. Due to its long range capability, the rifles shall only be used when a possibility exists that the Deputy will be dealing with an armed suspect, e.g.,

armed robbery in progress, searching for armed suspects, answering calls when the complainant has indicated that a person is armed.

2. The Sheriff may approve the use of rifles on raids and stakeouts when he believes that a threat to human life exists.
3. Rifles shall be encased/mounted and carried in patrol units when not in preparation for use. When the rifle is not encased/mounted, it shall be carried with the safety on at all times until there is an immediate need to fire the weapon.
4. Rifles shall be removed from vehicles before leaving them at any garage or service department.
5. Before beginning a tour of duty or immediately thereafter Deputies shall inspect the rifle assigned to the patrol Deputy.
6. During regular firearms qualification, each Deputy shall be required to demonstrate proficiency with the rifle.
7. The Range Officer or Armorer shall develop a rifle maintenance schedule. The Range Officer or Armorer shall clean and inspect rifles according to schedule.
8. The general rules for the use of firearms above apply to rifles.

VI. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- A. Firing into crowds.
- B. Firing a warning shot.
- C. Firing at or from a moving vehicle, except where the Deputy reasonably believes that:
 1. an occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or
 2. a vehicle is operated in a manner deliberately intended to strike a Deputy or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the Deputy's action.

3. Deputies shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- D. Firing into a building or through doors when the person fired at is not clearly visible unless the Deputy is being fired upon from such building or through such door.
- E. Firing at a suspect when lesser force could be used and the Deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. *{When in doubt, don't shoot.}*
- F. Application of choke hold or carotid control holds, except when the Deputy reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- G. Use of flashlights as batons. A Deputy may use a flashlight only to defend him- or herself or another from imminent serious physical injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- H. Deputies should be allowed a back-up weapon.
- I. The carrying or use of saps, blackjacks, slapjacks.
- J. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- K. Any use of force not reasonably necessary in the light of the circumstances confronting the Deputy.
- L. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

VII. WEAPONS

- A. Duty weapon: While on duty, a Deputy shall carry a department issued or approved weapon, either a .357 revolver, .40mm, .45mm, or a .9mm semiautomatic pistol. The department shall issue ammunition for the weapon.
 1. Any Deputy who wishes to carry a personally-owned weapon on duty must request permission, in writing, from the Sheriff. Weapons shall be inspected and approved by the range instructor/Armorer. In addition, the weapon shall fire department-issued ammunition and the Deputy shall qualify with the weapon as well as with department-issued weapons. Deputies shall buy ammunition for their personally-owned off-duty weapons.

2. The Sheriff or designee shall maintain a record of all weapons used by Deputies either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications. Deputies shall annually review the records to ensure that they are up to date.
- B. Off-duty weapons: Deputies are encouraged, but not required, to carry a handgun when off duty. A Deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he or she could have taken law enforcement action if he were armed.
1. (Exception) Off-duty Deputies while operating a department vehicle shall be armed with an approved weapon.
 2. Deputies who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm is inappropriate.
 3. Deputies who have consumed alcoholic beverages shall not carry an off-duty weapon under any circumstances.
 4. Deputies shall submit off-duty weapons to the range instructor for inspection and firing before carrying them.
 5. Off-duty Deputies who carry firearms while in plain clothes may wear them in any way that allows the public to see them.
- C. Qualification:
- Deputy shall not carry or use any firearm, chemical agent, or (baton) unless he or she has received training and demonstrated proficiency in its use.
1. Deputies who fail to pass the qualification shall be relieved of their law enforcement powers and immediately reassigned to non-enforcement duties.
 2. Deputies who have taken extensive leave or suffered an illness or injury that could affect the use of firearms shall requalify before returning to enforcement duties.
 3. Annual firearms qualification will follow required state standards for daylight and night shooting.
 4. Firearms training will be held and a use of force policy review will be completed annually.

VIII. REPORTING USE OF FORCE

- A. Deputies shall document any application of force except for those arising in training or departmental demonstrations.
- B. If Deputies have employed chemical weapons or any higher degree of force, they shall:
 - 1. immediately notify the on-duty supervisor or the Sheriff (if the on-duty supervisor is unavailable) of any use of physical force.
 - 2. Submit a memorandum to the Sheriff within 24 hours describing the incident and any medical aid rendered, and shall substantiate the force used. The memorandum shall be in addition to any other reports.
- C. Depending on the seriousness of any injury resulting from the application of force, whether to a citizen or Deputy, the Sheriff shall notify the County Manager and, in case of death, the district attorney and the medical examiner.
- D. Section 30-2-6. Justifiable homicide by public officer or public employee
 - 1. Homicide is justifiable when committed by a public officer or public employee or those acting by their command and in their aid or assistance:
 - a. in obedience to any judgment of a competent court;
 - b. when necessarily committed in overcoming actual resistance to the execution of some legal process or to the discharge of any other legal duty;
 - c. when necessarily committed in retaking felons who have been rescued or who have escaped or when necessarily committed in arresting felons fleeing from justice; or
 - d. when necessarily committed in order to prevent the escape of a felon from any place of lawful custody or confinement.

IX. DEPARTMENTAL RESPONSE

- A. Assignment:

Pending administrative review, any Deputy who has taken the life of another person shall be removed from line-duty assignment for a minimum of three days. This action protects both the Deputy's and community's interests until the situation is resolved. The Deputy will complete a psychological review before being returned to line-duty.

B. Review:

1. The Sheriff shall review all reported uses of force to determine whether:
 - a. departmental orders were violated;
 - b. relevant departmental policy was clearly understandable and effective to cover the situation; and
 - c. departmental training was adequate.
2. The Sheriff may convene a board of inquiry to examine an incident in which force was applied.
 - a. The board of inquiry will ascertain training and policy needs.
3. At least annually, the Sheriff shall compile a summary of use-of-force incidents to be made available to the public.

C. Internal investigations:

Internal investigations of serious applications of force (usually of compliance techniques and more severe methods) shall be of two types conducted simultaneously; first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred. Rules & Regulations 1-9 details the two types of investigations.

1. Dual internal investigations shall be conducted on all shootings.

D. Psychological services:

Psychological follow-up of post-shooting trauma will normally be directed by the Sheriff whenever deemed appropriate. During an internal investigation, the department shall do all within its power to avoid placement of a stigma on the Deputy who shoots in performance of duty. Following a shooting resulting in a death, the Deputy shall not return to duty until a psychological evaluation has been conducted, and the Deputy has received counseling.

[NOTE: The use of trade names such as PR-24 for a side-handled baton or Asp does not imply endorsement of any product. Rather, this general order refers to trade names to convey the degree of specificity required by written policy.]